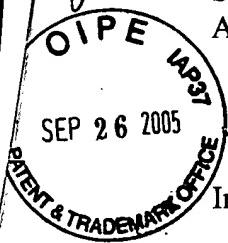


Serial # 10/528,168
 Attorney Docket No: EX03-065C-US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Francis-Lang et al

Serial No.: 10/528,168
 Int'l App. No: PCT/US03/28903

Filed: 3/16/2005

For: FLJ20647S AS MODIFIERS OF THE
 P21 PATHWAY AND METHODS OF
 USE

Group Art Unit:

Examiner:

Confirmation No: 3479

Attorney Docket No: EX03-065C-US

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner of Patents
 Alexandria, VA 22313-1450

The notification of missing requirements under 35 USC 371 for the above-identified application (copy attached), mailed 7/29/2005, states that the declaration for application does not comply with 37 CFR 1.497(a) and (b) in that it is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. Applicants respectfully disagree.

After careful review of the requirements of 37 CFR 1.497(a) and (b), 37 CFR 1.66, and 37 CFR 1.68, applicants believe the submitted declaration of inventors, a copy of which is attached hereto, fully meets the requirements of the above rules. Applicants notice that the requisite fee for the submission of declaration was not filed along with the declaration, and the fee is submitted along with this response. To expedite matters and clarify the requirements of acceptance with USPTO, applicants have made numerous attempts to contact the office, via telephone on 8/11/05, 8/12/05, 8/18/05, and 8/24/05, and via facsimile on 8/25/05, and 9/2/05. Copy of the notes for the phone contacts, and the fax communications are also attached. Applicants hereby respectfully request the office personnel to clarify exactly which requirement of the above rules is missing from the applicants' submissions.

This is responsive to the notification mailed 7/29/2005. The Commissioner is authorized to charge the requisite fee for submission of the declaration, and any other

Serial # 10/528,168
Attorney Docket No: EX03-065C-US

fees required for consideration of this paper and any other papers filed herewith to
deposit account number 50-1108.

Respectfully submitted,

Dated: September 22, 2005


Laleh Shayesteh Reg. No. 47,937

EXELIXIS, INC.
170 Harbor Way, P.O. Box 511
South San Francisco, California 94083-0511
Telephone: (650) 837-8223
Facsimile: (650) 837-8234

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
130

Complete if Known

Application Number	10/528,168
Filing Date	3/16/2005
First Named Inventor	Francis-Lang
Examiner Name	
Art Unit	
Attorney Docket No.	EX03-065C-US

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None
Order
 Deposit Account:

Deposit Account Number	50-1108
Deposit Account Name	50-1108

The Director is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
-
- Charge any additional fee(s) or any underpayment of fee(s)
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 0)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below	Fee Paid
		-20 **	= 0	X 0	= 0
Independent Claims		-3 **	= 0	X 0	= 0
Multiple Dependent				X 0	= 0

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$ 0)	

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive – unavoidable	
1453 1,370	2453 685	Petition to revive – unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) /03/2005 LLANDGRA 00000021 501108 1052816			

*Reduced by Basic Filing Fee Paid

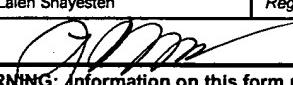
130.00 DA

SUBTOTAL (3)

(\$ 130)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Laleh Shayesteh	Registration No. (Attorney/Agent)	47,937	Telephone	650 837-8223
Signature				Date	September 22, 2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

8-11-05

Carlinda Patrice
Booker at PTO 8/12
re: Declaration
10/528,168 -EX03-065C-US
left message

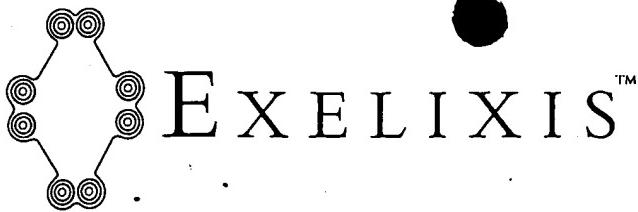
8-18-05 8:45 #4

Followed up -
left another
message

8-24

8:12

left another
message



Facsimile Cover Sheet

Date: August 25, 2005

To: Patricia Booker From: Luajuana LeGrande

Company: USPTO - Assignment Div. Phone: 650-837-7231
Fax: 703-746-6695 Fax: 650-837-8234

Subject: Serial No. 10/528,168 - Declaration

Total number of pages including cover sheet: 17

Attached is a copy of the Declaration in question.

Thank you for your assistance in this matter.

Thanks,
Luajuana

9-2-05

3 pg's

ms. Booker

Please provide status
on this case

Thank you
Luajuana

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MODE = MEMORY TRANSMISSION

START=AUG-25 10:24

END=AUG-25 10:29

FILE NO.= 111

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001	OK	S	917037466695	017/017	00:05'06"
-EXELIXIS					
				- **** -	650 837 8234- *****



EXELIXIS™

Facsimile Cover Sheet

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MODE = MEMORY TRANSMISSION

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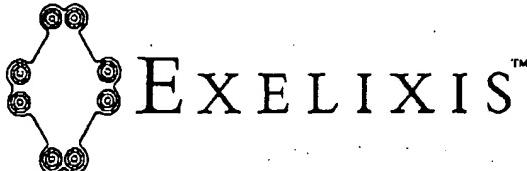
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FILE NO.= 144

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-EXELIXIS

***** - ***** - 650 837 8234- *****



Facsimile Cover Sheet

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Company: USPTO - Assignment Div. Phone: 650-837-7231
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Thank you for your assistance in this matter.

Thanks,
Luajuana

9-2-05

Ms. Booker
is pending Case #
will inform as after
review.
3 pg's

Ms. Booker.
Please provide status
on this case.
Thank you.
Luajuana.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,168	Helen Francis-Lang	EX03-065C-US
INTERNATIONAL APPLICATION NO.		
PCT/US03/28903		
LA. FILING DATE		PRIORITY DATE
		09/15/2003
CONFIRMATION NO. 3479		
371 FORMALITIES LETTER		
 *OC000000016655535*		

Date Mailed: 07/29/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/16/2005
- Copy of the International Search Report filed on 03/16/2005
- Information Disclosure Statements filed on 04/25/2005
- Biochemical Sequence Diskette filed on 03/16/2005
- Oath or Declaration filed on 03/16/2005
- Biochemical Sequence Listing filed on 03/16/2005
- Request for Immediate Examination filed on 03/16/2005
- U.S. Basic National Fees filed on 03/16/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DOCKETED
Exelixis, Inc.

A copy of this notice MUST be returned with the response.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,168	PCT/US03/28903	EX03-065C-US

FORM PCT/DO/EO/905 (371 Formalities Notice)

SEP 26 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	27	Attorney Docket Number	EX03-065C-US
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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of notice of missing parts Copy of declaration papers Copies of phone and fax communications Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	EXELIXIS, INC.		
Signature			
Printed Name	Laleh Shayesteh		
Date	September 22, 2005	Reg. No.	47,937

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature	
Typed or printed name	Laleh Shayesteh
Date	September 22, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.